

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**RAPID RELEASE BAIL BONDS,
INC.,**

Plaintiff,

v.

RAPID BAIL BONDS, LLC, *et al.*,

Defendants.

Civ. No. 2:12-2212 (KM)

**MEMORANDUM OPINION &
ORDER**

THIS MATTER having been opened to the Court by Defendant Rapid Bail Bonds, LLC (“Rapid Bail Bonds”), through its counsel, Marc D. Youngelson, Esq., of Cosner Youngelson, on a Motion to Vacate [ECF No. 6] the Entry of Default against it dated May 11, 2012; and Plaintiff, through its counsel, Jon Fallon, Esq., of Mandelbaum Salsburg P.C., having submitted papers in opposition to the Motion [ECF No. 11]; and Rapid Bail Bonds having filed a reply brief [ECF No. 13]; and Magistrate Judge Dickson having submitted a Report and Recommendation [ECF No. 14]; and the parties having made no objection; and the Court, pursuant to Federal Rule of Procedure 78, having considered all of the foregoing; and for good cause appearing; the Court decides as follows:

- (1) Neither party has filed an objection to Magistrate Judge Dickson’s Report and Recommendation on Rapid Bail Bond’s Motion to Vacate Entry of Default within fourteen days of November 5, 2012, when the Report and Recommendation was filed and served, as required by Local Civil Rule 72.1(c).
- (2) This Court reviews the Magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72(b)(3). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also U.S. v. Raddatz*, 447 U.S. 667, 680 (1980) (stating that the district court judge has broad discretion in accepting or rejecting the magistrate's recommendation).
- (3) If there are no objections, the district court has discretion to choose an appropriate standard of review. *See Thomas v. Arn*, 474 U.S. 140, 154 (1985) (the federal statute neither prohibits nor requires a

particular standard if no objections are filed); *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984). At a minimum, “[w]hat is not objected to, the district court reviews under the plain error or manifest injustice standard.” *Megaparts v. Highcom Security*, No. 09-4052, 2010 U.S. Dist. LEXIS 63497, at *4 (D.N.J. June 25, 2010); see, e.g., *Banks v. Gallagher*, 686 F. Supp. 2d 499, 505 (M.D. Pa. 2009); *Cruz v. Chater*, 990 F. Supp. 375, 376–78 (M.D. Pa. 1998) (citing Advisory Committee notes on Federal Rule of Civil Procedure 72(b), implementing 28 U.S.C. § 636(b)(1)(C)).

- (4) The standard of review, however, is not critical because I agree with Magistrate Judge Dickson’s thorough, well-reasoned Report & Recommendation.

IT IS THEREFORE this 29th day of November, 2012,

ORDERED that Magistrate Judge Dickson’s Report & Recommendation is adopted in full. Defendant Rapid Bail Bonds, LLC’s Motion to Vacate the Entry of Default is **GRANTED**; and it is further

ORDERED that Rapid Bail Bonds file its answer within thirty (30) days of this Order.


KEVIN MCNULTY, U.S.D.J.